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S.B. CIVIL MISC. APPEAL NO.308/2007.
Narbada Devi Vs. Roopa & Ors.

Date of Order : 4th April 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Shambhoo Singh with
Mr. Bharat Shrimali, for the appellant.

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BY THE COURT:

For the loss suffered by the injured-claimant, then about 32 years of age and working as a teacher, due to fractures of tibia and fibula bones in a vehicular accident, the Tribunal. after analysing the evidence available on record, has awarded compensation in the sum of Rs.70,000/- together with interest @ 6% per annum while allowing Rs.30,000/- towards disablement as stated at 13% in the disability certificate Ex.24; Rs.1,000/- towards transportation; Rs.2,000/- towards attendants; Rs.5,000/- towards pains and sufferings; Rs.3,000/- for the loss of amenities of life; Rs.10,000/- for the loss in her leave account; Rs.1,000/- towards property damage; Rs.15,000/- for treatment expenditure against the bills produced; and Rs.3,000/- for special diets.

The award is sought to be questioned in this appeal by the claimant as being low and inadequate.

Having examined the record including the certificate (Ex.24) stating disablement at 13% with reference to 'pain & difficulty in walking, difficulty in squatting & to sit cross-leg, limping gait, swelling right ankle and & foot, ROM right ankle, unable to bear weight, unable to stand and walk for long time'; and the salary certificate (Ex. 32) coupled with the statement of claimant that she was regularly attending on duty and there has not been any reduction in salary, this Court is satisfied that the ultimate award made by the Tribunal in the sum of Rs.70,000/- could only be said to be rather on the higher side. The present one is not a case of loss of earning capacity; and on all other scores, the Tribunal has awarded compensation rather liberally. The award in question rules out any scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

Mohan/